IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELATE CIVIL JURISDICTION

WRIT PETITION NO.2284 OF 2004

Bhaurao Jagannath Hirde ..Petitioner

Vs.

The State of Maharashtra & Ors. ..Respondents

Mr.N.V.Bandiwadekar Advocate for Petitioner
Mrs.S.S.Bhende, A.G.P. for Respondents

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 11TH MARCH, 2005.

P.C.

. Rule. Heard forthwith.

. Petitioner was entitled to be considered for E.B., that was not done on the ground that there were adverse C.Rs against the Petitioner. From the impugned order it appears that adverse C.Rs were not communicated to the Petitioner. Inspite of that the learned Tribunal directed the Respondents to communicate the adverse C.Rs and there after decide as to whether the Petitioner would be entitled to cross the E.B. from 1st March, 1993 onwards.

2. To our mind this is a case where after so many years such a direction ought not to have been issued if the adverse C.Rs were not communicated. The Committee had to consider the Petitioner case on the records available without considering the

adverse uncommunicated C.Rs. It will also be too late for the Petitioner after so many years to reply to the adverse C.Rs.if now communicated.

3. Considering the above the impugned order dated 17th October, 2002 is set aside and the Competent Authority is directed to consider the Petitioner’s case for E.B. with effect from 1st September, 1993 without taking into consideration the adverse C.Rs within three months from today.

. Rule made absolute accordingly. No order as to costs.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)